

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Brandon A. Coviak
(Coviak)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

(see attached)

New York City Police
Department

Seward Public Library NYPD

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**Complaint for Violation of Civil
Rights**

(Non-Prisoner Complaint)

Case No. **24-cv-03125-SJB**

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

REC'D IN PRO SE OFFICE
APR 24 '24 PM 12:27

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Brandon A. Covial</u>
Street Address	<u>47 E 30th St</u>
City and County	<u>New York city Manhattan</u>
State and Zip Code	<u>New York 10016</u>
Telephone Number	<u>417-952-3810</u>
E-mail Address	<u>bcoviaL94@gmail.com</u> <u>(bcoviaL94@gmail.com)</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

*NYPD
officer*

Name	<u>Marvin Francillon</u> <i>Badge # 26731</i>
Job or Title (if known)	<u>NYPD police officer</u>
Street Address	<u>230 E 21st St, NY</u>
City and County	<u>New York Manhattan</u>
State and Zip Code	<u>New York 10010</u>
Telephone Number	<u>212 477 7411</u>
E-mail Address (if known)	<u>marvin.francillon@nypd.org</u>

Defendant No. 2

Name

Ashley Duncan-Peters Badge # 5093

Job or Title
(if known)

NYPD police officer

Street Address

230 E 21st St

City and County

New York city manhattan

State and Zip Code

New York 10010

Telephone Number

212 477 7411

E-mail Address
(if known)

Defendant No. 3

Name

Chris Budhain Badge # 18680

Job or Title
(if known)

NYPD police officer

Street Address

230 E 21st St, NY

City and County

New York city manhattan

State and Zip Code

New York 10010

Telephone Number

212 477 7411

E-mail Address
(if known)

Defendant No. 4

Name

Thomas Walsh Badge # 843

Job or Title
(if known)NYPD police sergeant ~~1212 477 7411~~

Street Address

230 E 21st St

City and County

New York city manhattan

State and Zip Code

New York 10010

Telephone Number

212 477 7411

E-mail Address
(if known)

Defendant No.

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Thomas Gaglione Badge # 25144
NYPD officer

7th precinct

Defendant No.

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Irving Martinez Badge # 1975
NYPD officer

7th precinct

Defendant No.

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Vincent Lee Badge # 4331

7th precinct

Defendant No.

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The federal constitutional rights that were violated were 1st amendment and 4th amendment rights.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

My 1st amendment right to press to film was violated. My 4th amendment right to not consent to unlawful seizures was violated.

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

(There were two events)

Event #1 The NYPD police officers unlawfully used Penal law 140.05 to unlawfully ~~stop~~ solicit a false trespass outside of their jurisdiction telling me my rights to film were making them uncomfortable. They illegally arrested me with no crimes committed. No persons had legal basis to trespass me.

Event #2 on back of this page!

Event # 2

The NYPD officers police officers used created policies on a website with no legal basis to unlawfully trespass me and arrest me. The NYPD officers solicited an unlawful trespass. No person or individual in the Seward public library asked me to leave the premises or had legal basis to request me to leave.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

United states postal office (335 E 14th st New York N.Y. 10009)

Seward Public Library (192 E Broadway New York N.Y. 10002)

B. What date and approximate time did the events giving rise to your claim(s) occur?

US Post office: Saturday around 8:16 am May 15th or May 13th 2021

Seward Public Library

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

During the two events that occurred,
The New York city police officers illegally conducted
false arrests and used color to infringe my rights
under the constitution to film. At the post office
the NYPD officer Marvin Francillon illegally
made an attempt to solicit a trespass and
Thomas Walsh as a sergeant, ordered and allowed
officers to arrest me, outside of their jurisdiction
inside of the U.S. postal office to stop me from
filming or participating in my constitutional rights
to film in public. There was no legal basis for
me to be trespassed or arrested and no person
or individual told me to leave. I had no crimes
committed.

Event #2

see back page

At the Seward public library, NYPD officers illegally arrested me for filming and unlawfully solicited a trespass. The NYPD officer Thomas Gaglione arrested me for his words "for filming." Vincent Lee as a sergeant allowed these officers to unlawfully arrest me. For the post office incident I have a certificate of disposition for showing the D.A. video footage. I have video footage of my rights being violated. At the Seward Public Library Vincent Lee asked a library worker to tell me I could not take pictures or film and violated my 1st amendment right of press to film. Thomas Gaglione falsely stated "There are policies and rules and photography is not allowed." I have both incidents recorded.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like to make a prayer of request and ask for the courts to recover compensatory damages. During these two events both my protected 1st amendment and 4th amendment rights were violated with prevention for me to work and conduct business with my video journalism. My compensatory damages range from \$50 thousand dollars to \$200 thousand dollars

VI. Certification and Closing


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: April 23rd, 2024

Signature of Plaintiff



Printed Name of Plaintiff

Brandon Covic

**NEW YORK CRIMINAL COURT**

100 Centre St., New York, NY 10013

Phone: (646) 386-4500 Fax: (718) 374-5293

Court ORI: NY030033J

FEE

Search Criteria Provided by Requestor	
Arrest Date:	
Charges:	PL 140.05
Conviction Date:	
Crime Date:	
DOB:	05-07-1994
Docket Number:	CS-900630-21CN
Legacy/IDV Docket Number:	
Party Name:	COVIAL, BRANDON
Sentence Date:	10-07-2021 DISMISSED
Ticket Number:	4449957425

Certificate of Disposition

THIS IS TO CERTIFY that the undersigned has examined the files of the New York Criminal Court concerning the above entitled matter and finds the following:

NO RECORD FOUNDDated: October 7, 2021

 Chief Clerk/Clerk of the Court
CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL

Pursuant to Judiciary Law § 212.2(z), a certificate of disposition for the public contains only records of convictions, if any, and information about pending cases. All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40—including any appearing on this certificate of disposition—are vacated, dismissed, sealed, and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise—unless specifically required or permitted to do so by statute.

08/17/22 1,700.00

[Faint, illegible handwritten notes]

2010
LEE CHANDLER COOK

LEE

10/10/10

From:

Branden Cowie

47 E 30th St

NY, NY 10016



Ready Post.
Document Mailer

To:

The Clerk Office

225 Cadman Plaza

03 JUN 05 2024

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